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6622nd meeting

Monday, 26 September 2011, 10 a.m.

New York

President:	Ms. Ziade	(Lebanon)
Members:	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Dunlop
	China	Mr. Wang Min
	Colombia	Mr. Osorio
	France	Mr. Araud
	Gabon	Mr. Moungara Moussotsi
	Germany	Mr. Wittig
	India	Mr. Kumar
	Nigeria	Mrs. Ogwu
	Portugal	Mr. Moraes Cabral
	Russian Federation	Mr. Pankin
	South Africa	Mr. Laher
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Rice

Agenda

The situation in Libya

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President (*spoke in Arabic*): Under rule 37 of the Security Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

On behalf of the Council, I welcome His Excellency Mr. Mahmoud Jibril, Chairman of the National Transitional Council Executive Office of Libya, and request the Protocol Officer to escort him to a seat at the Council table.

Mr. Jibril, Chairman of the Executive Office of the National Transitional Council of Libya, was escorted to a seat at the Council table.

The President (*spoke in Arabic*): In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

At this meeting, the Security Council will hear briefings by Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs, and Ambassador José Filipe Moraes Cabral, Permanent Representative of Portugal, in his capacity as Chair of the Security Council Committee established pursuant to resolution 1970 (2011).

I now give the floor to Mr. Pascoe.

Mr. Pascoe: I appreciate the opportunity to once again brief the Council on the situation in Libya.

I will focus on what the United Nations has been doing since the adoption of resolution 2009 (2011) on 16 September and a brief update on the current situation. I must say that I am also delighted to see Mr. Mahmoud Jibril, Chairman of the Executive Committee of the National Transitional Council (NTC), here with us today.

As Council members are aware, the Secretary-General convened a high-level meeting on Libya in New York on 20 September on the margins of General Assembly, at which participants officially welcomed the National Transitional Council of Libya as the legitimate delegation representing the Libyan people at the United Nations. Participants also expressed full support to the interim authorities in Libya, led by NTC President Mr. Mustafa Abdel Jalil.

At that meeting, President Jalil pledged to uphold the principles of human rights and establish a society based on tolerance and co-existence. The NTC has repeatedly and publicly embraced essential principles of tolerance, moderation, reconciliation, human rights, and the rule of law, and in particular the rights of women and migrant workers. Mr. Jalil thanked the international community for its support and outlined the United Nations support for the early establishment of the State and resolutions 1970 (2011) and 1973 (2011). He also highlighted the main challenges ahead, such as removing any pockets of resistance, addressing reconstruction needs and compensating families of those killed, injured or maimed.

Special Representative Martin returned last week to Tripoli, where the presence of the United Nations Support Mission in Libya is being established. I can report that the capital city displays remarkable normality, with its infrastructure overwhelmingly intact and public servants back in their offices, even while Government appointments are awaited, banks and shops open, businesses re-establish themselves, most children are back in school, and traffic is once again quite heavy.

However, fighting continues in Sirte, Bani Walid and a few other pockets of resistance in the country, with NATO continuing its military operations in Sirte over the weekend. Some civilians have fled the areas of fighting. The humanitarian country team is working with the Libyan authorities to enhance support in conflict areas. An assessment of the needs in the area around Bani Walid is to take place tomorrow, with follow-up missions to Sabha and Sirte in the coming days. The leadership of the NTC continues its efforts to restore security and peace in other areas, but recent reports have shown that the security situation in some parts of the country remains fragile, as demonstrated by the attack by pro-Al-Qadhafi forces on the town of Ghadamis near the Algerian border.

The challenges faced by the NTC are many. I would like to mention four here today.

First, it is essential that steps to address national reconciliation and unity and to ensure that all military groups are brought under a unified command and the political authority of the NTC be carried out quickly. The formation of a new inclusive interim Government that reflects the full diversity of Libyan society will be a crucial step in this direction. We hope that, despite the difficulties, the new Libyan Government will soon be announced and, with the support of the new United Nations Support Mission in Libya and other partners, will begin working on these critical issues.

Secondly, it is imperative that the NTC and the international community establish control over the large stocks of sophisticated arms, including ground-to-air missiles, amassed by the Al-Qadhafi Government. The spread of these weapons and the danger that they could fall into the hands of terrorists are matters of grave concern.

Re-establishing control over chemical weapons material is of paramount importance. In a letter to the Secretary-General dated 5 September, the Director-General of the Organization for the Prohibition of Chemical Weapons (OPCW), Mr. Ahmet Üzümcü, reported that it had become apparent during a recent meeting of the OPCW Executive Council that the risk to the safety of the category-1 chemical weapon stockpiles had increased as a result of the rapidly changing situation in the country. As members will recall, in December 2009 the Conference of State Parties to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction granted Libya an extension of its deadline to complete destruction of remaining category-1 chemical weapons to 15 May 2011. However, inspectors from the OPCW who had been on site to monitor destruction activities departed Libya on 8 February 2011 and destruction activities were halted.

On 22 September, news reports stated that forces associated with the (NTC) had discovered a depot of chemical weapons materials located in the area of Al-Jufrah, approximately 435 miles south of Tripoli, that had been previously undeclared. OPCW is working on confirming this information.

It remains important for the NTC to take necessary steps to ensure the safety of all remaining chemical weapon stockpiles in Libya and, as the situation in the country allows, resume destruction activities in cooperation with the OPCW and other agencies. The NTC may now wish to invite inspectors back to the sites.

Thirdly, reports of the uncovering of a mass grave near the infamous Abu Salim prison in Tripoli, with some 1,270 remains reportedly of prisoners killed in June 1996, indicate further the enormity of the human rights crimes perpetrated by the former regime against its own people. It is essential that the Libyan authorities secure this and other grave sites so that the fate of disappeared persons may be clarified as forensic expertise is available and evidence is preserved for future accountability mechanisms. At the same time, every effort must be made to prevent reprisal attacks on members or supporters of the former regime. All countries must cooperate with the International Criminal Court to ensure that those indicted are apprehended if they leave or have left Libya.

Fourthly, the Secretary-General has repeatedly expressed his concern over the welfare of African migrants and third-country nationals. The United Nations continues to facilitate the evacuation of people — over 200,000 since the beginning of the crisis — while many more who require assistance remain in the country and in transit camps. We also urge the early processing of those in detention and the security of those who continue to work in Libya.

Let me briefly turn to the status of our deployment to Libya.

Following the unanimous adoption of resolution 2009 (2011) of 16 September, which mandated the establishment of UNSMIL, the Secretary-General announced on 19 September the appointment of Mr. Ian Martin as his Special Representative and Mr. Georg Charpentier as Deputy Special Representative. Mr. Charpentier has also been designated as Resident Coordinator ad interim and as Humanitarian Coordinator.

Essential personnel are already deployed in Tripoli. The senior management of the Mission — including the Special Representative of the Secretary-General, the Deputy Special Representative, the Chief of Staff, the Chief Political Advisor, the Chief Police Advisor and the Chief of Mission Support — are in place, with political officers in Benghazi as well as in Tripoli.

The Chief of my Department's Electoral Assistance Division accompanied Special Representative Martin to Tripoli last week for meetings with members of the NTC and other Libyan interlocutors. The first electoral experts will arrive in Libya this week to further assess electoral needs and to discuss assistance necessary to support Libyan national efforts. In the coming days, senior human rights experts will follow up with the Libyan transitional authorities and civil society on human rights priorities, including on issues relating to transitional justice.

With the assistance of the Department of Safety and Security and the Department of Field Support, initial security and logistical constraints are being overcome. Meanwhile, discussions are under way with the Ministry of Foreign Affairs for a status-of-mission agreement that establishes the rights and privileges of United Nations personnel in Libya.

UNSMIL has also begun to implement one of its key mandated tasks to, "coordinate support that may be requested from other multilateral and bilateral actors" (resolution 2009 (2011), para. 12 (f)). On 20 September, following the high-level meeting on Libya, a technical coordination meeting was held, co-chaired by Mr. Ahmed Jehani, Chairman of the Libya NTC stabilization team, and Special Representative of the Secretary-General Ian Martin. Mr. Jehani reiterated the NTC's request that the international community coordinate its assistance to Libya under the leadership of the United Nations and in the areas of priority identified by the interim authorities. He was unequivocal in stressing the fact that the assessment of transitional requirements would be conducted under the leadership of the NTC. A first meeting of the friends of Libya in Tripoli will be convened this week.

On the humanitarian front, since mid-August at least 60,000 new displacements of Libyans have been recorded as fighting intensified around Sirte and Bani Walid. Requests for humanitarian support received from local authorities indicate urgent humanitarian needs for water, health items, food and some non-food assistance. Humanitarian efforts are ongoing in areas where they are most needed. United Nations agencies have delivered food assistance to 117,000 vulnerable people, including internally displaced persons (IDPs) from Bani Walid, southern Libya, Sirte and Tawarga, and to migrant workers. Food stocks have been pre-positioned in Tripoli, Benghazi and Misrata, ready for distribution to currently inaccessible areas when the situation permits. Additionally, water is being trucked to some 40,000 displaced people from Bani Walid. Medical kits have been deployed to IDP-affected areas that are sufficient to cover those populations for the next three months. These services will be continued until more sustainable solutions are identified.

We are also concerned about reports of forced displacements of groups of civilians among the Tawergha and Gwaliosh peoples, who have been perceived as loyal to Al-Qadhafi. NTC efforts must become effective in ensuring that all armed forces respect the rights of civilian populations of any background and that international humanitarian law is fully respected.

Libya faces many challenges in the post-conflict phase, but I am confident that the Libyan people will overcome them with our collective support and assistance. The three-month mandate given to the United Nations Mission offers us an opportunity to provide immediate assistance and advice to the NTC and to engage with Libyan civil society. It will also provide time to assure that any long-term mission that the Secretary-General may propose to the Security Council can be designed to provide effective assistance to the Libyan people for the longer term and to closely reflect Libyan ownership and Libyan wishes. We look forward to the NTC forming an interim Government in the near future and assigning interlocutors to enable us to engage with them and to provide the required assistance and advice, as needed, in the priority areas that have identified.

The President (*spoke in Arabic*): I thank Mr. Pascoe for his briefing.

I now give the floor to Ambassador Moraes Cabral.

Mr. Moraes Cabral (Portugal): First of all, I would like to welcome Mr. Jibril to the Council's meeting today.

In accordance with paragraph 24 of resolution 1970 (2011), of 26 February, I have the honour to report to the Security Council on the work of the Committee established pursuant to that resolution. The report covers the period from 28 June to 26 September.

Allow me to begin by noting that by its resolution 2009 (2011), adopted just 10 days ago (see S/PV.6620), the Council modified the measures previously imposed

in relation to Libya. Among other things, the Council introduced additional exceptions to the arms embargo, removed the names of the Libyan National Oil Corporation and the Zueitina Oil Company from the asset freeze list, while partially relaxing the financial restrictions in connection with the other listed entities and lifting the ban on flights of Libyan aircraft. The Committee will thus be monitoring those measures, as modified.

During the reporting period, the Committee convened three informal consultations — on 7 July, 18 July and 14 September. Those informal consultations were aimed to discuss the scope and application of the arms embargo; to hear a briefing by the Office far the Coordination of Humanitarian Affairs on the potential impact of sanctions on the civilian population in Libya; to hear a presentation by the Panel of Experts on its interim report and to go over pending requests for guidance from Member States.

I would like to elaborate further on the informal consultations of 14 September. Following a recap of its findings up to 11 August, the Panel presented 11 recommendations, with four relating to the assets freeze, six relating to the arms embargo and one relating to a procedural matter concerning communication with the Committee. In the discussion that ensued, it was stressed, among other things, that the Panel could assist the Committee by closely monitoring the soon-to-be modified asset freeze, the illicit flows of arms out of Libya and the implementation of the travel ban. The Panel was asked to look both backwards and forward in investigating incidents of non-compliance.

It was also suggested that the Panel build a cooperative relationship with the new Libyan Government and establish some form of coordination with the United Nations Support Mission in Libya. The Panel, on its part, emphasized the importance of continual access to Libya for the effectiveness of its work, with which the members of the Committee agreed.

The Committee has dealt with a number of written communications from Member States, most of which relate to the financial restrictions. In sum, the Committee expressed no objection to 11 notifications pertaining to the asset freeze under the basic expenses provision set out in paragraph 19(a) of resolution 1970 (2011). It approved 41 requests for an exception to that measure, under the extraordinary expenses provision set out in paragraph 19(b) of the resolution; it acknowledged receipt of one notification under the lien or judgment provision set out in paragraph 19(c) of the resolution; and it acknowledged receipt of 10 notifications under the prior contracts provision set out in paragraph 21 of the same resolution.

I should like to highlight here that in its resolution 2009 (2011), the Council recalled its determination to ensure that assets frozen pursuant to resolutions 1970 (2011) and 1973 (2011) shall as soon as possible be made available to and for the benefit of the people of Libya, and welcomed steps taken by the Committee and Member States in that regard. Indeed, under the extraordinary expenses provision, more than $16 billion has already been unfrozen through the Committee for the humanitarian needs of the Libyan people.

Moreover, in paragraph 19 of resolution 2009 (2011), the Council decided that the Committee shall, in consultation with the Libyan authorities, lift the designation of the Libyan Arab Foreign Bank, the Libyan Investment Authority and the Libyan Africa Investment Portfolio as soon as practical; and the members of the Committee will be working towards this goal

With respect to the arms embargo, the Committee approved five requests for an exception to that measure, in accordance with paragraph 9(a) of resolution 1970 (2011), and acknowledged one notification pursuant to paragraph 9(b) of the resolution. In the context of the enforcement of the embargo, the Committee has thus far received a total of 22 reports of inspections of cargo on board vessels heading to Libya.

Finally, during the period under review the Committee has answered seven requests for guidance on aspects of the asset freeze and it has received 21 reports from Member States on the implementation of this measure, as well as the arms embargo and travel ban, thereby bringing the total number of such reports to 51.

The President (*spoke in Arabic*): I thank Ambassador Moraes Cabral for his briefing.

I now give the floor to Mr. Mahmoud Jibril, Chairman of the Executive Office of the National Transitional Council.

Mr. Jibril (Libya) (*spoke in Arabic*): Allow me first of all to warmly thank the Security Council on behalf of my country's delegation and of the National Transitional Council (NTC), the sole legitimate representative of the Libyan people. We are very grateful for the Council's adoption of two historic resolutions, which have clearly contributed to the protection of the lives of thousands of innocent civilians. Thanks to those two resolutions, we — with God's grace — have been able to protect and save those civilians.

Resolution 1973 (2011) in particular has helped us in that endeavour. Although many would consider it to be in implementation of the United Nations Charter, from a strictly juridical point of view, the resolution was — for us certainly — in implementation of an ethical law rather than of the Charter itself. The consensus that was reached by the international community under that resolution and the ensuing international campaign to protect civilians in my country represent, in our view, an overwhelming victory for the rule of international ethics. It is a precedent that we hope will be followed by others and by initiatives to protect innocent civilians, wherever they are and every time they are the target of crimes of genocide or crimes against humanity, perpetrated by dictators wherever they are.

Although some people think that the Al-Qadhafi regime fell with the fall of the capital and other cities, it is still true that the mission is far from accomplished. Al-Qadhafi's battalions continue to kill innocent civilians in three distinct regions of our country — in Sirte, in Bani Walid and yesterday in Ghadamis — and therefore the very foundations of resolution 1973 (2011) remain valid. In that regard, we would like to thank NATO for its decision to extend its mission for an additional 90 days.

Secondly, Al-Qadhafi is still at large and possesses huge amounts of money and gold. The simple fact that he is still free and that he has such wealth at his disposal means that he is still capable of destabilizing the situation, not only within my country but also in the Sahel region and the African desert. It is no exaggeration to say that even beyond the African continent, Al-Qadhafi, with the means and assets has available to him, could resume his terrorist practices by distributing arms across the continent in order to justify his prediction that his absence from the political stage would be synonymous with the expansion of Al-Qaida and extremism throughout Africa.

I want to draw the Council's attention to that real threat, because his active existence is a force to be dealt with. He and his sons are able to move freely, and that could lead to greater destabilization in the region until they and their acolytes are apprehended. For that reason, his arrest is imperative to re-establishing stability throughout the region, not only within Libya.

The third factor for instability that I would like to mention — known to everyone here — is the spread of weapons not only in my country, but in neighbouring countries too. One of the main tasks of the NTC and the provisional Government will be to collect those arms and prevent their further distribution. That will be a first step towards stabilizing the situation, not only in the capital but also in all Libyan towns and cities. Rumours and recently published reports of the presence of certain chemical substances and stockpiles of chemical weapons purportedly discovered in the south of the country are a concern not only to the international community but also, first and foremost, to us and to innocent civilians living in areas within Libya where such substances are stockpiled.

There are numerous factors fuelling instability, but I assert with certainty that one principal factor is the ongoing freeze of Libyan monies and assets — assets that belong to the Libyan people — pursuant to United Nations resolutions. Although we highly appreciate the work and measures undertaken recently by the Security Council Committee established pursuant to resolution 1970 (2011) to unfreeze $16 billion and remove some Libyan companies from the embargo list, the road ahead remains very long.

For the first six months of our blessed revolution, the National Transitional Council existed to fight a dictatorial regime. The current and future legitimacy of the NTC will depend entirely not only on its fight against a despotic regime, but also on its capacity to meet the basic needs of citizens. The inability of the NTC or the provisional Government to provide those basic services because of a lack of funding could affect its very foundations and legitimacy, which the Security Council recognized in the historic resolution 2009 (2011), re-establishing its seat at the United Nations as the sole legitimate representative of the Libyan people.

Continuing the assets freeze could be very risky because it could inhibit the efforts of the National

Transitional Council to perform its functions. I ask the Security Council to totally lift the assets freeze as soon as possible, because the circumstances that applied when resolution 1970 (2011) was adopted no longer exist. That resolution sought to deprive the Al-Qadhafi regime of the funds, assets and authority that enabled it to buy weapons, which it turned on innocent people. Al-Qadhafi is no longer part of the regime. It is true that he still has vast wealth. However, that said, the ones who are being deprived of those assets and wealth are the Libyan people, on whose behalf the resolution was adopted in order to enable them to receive protection and save lives.

Let me recall that the circumstances that prevailed before the resolution was adopted no longer exist. It is therefore imperative to adopt a resolution that seeks to lift the freeze fully on those assets and funds so that the Libyan people can begin their reconstruction process. There are a number of injured people who have to be treated. There are many wounded people who are awaiting artificial limbs. Many houses have been destroyed, with many people displaced. Also, many schools have been destroyed and need to be rebuilt. Many power plants are down. Much infrastructure, including bridges and roads, has been demolished. Social, economic, material and human infrastructure have completely collapsed or been incapacitated. All of this will require money to rebuild.

With regard to the formation of the provisional Government, we cannot really talk about that unless it has the necessary funds to fulfil its functions. We cannot talk about Government structures if they turn out to be ineffective and unable to provide citizens with the basic necessities of life, to collect weapons from the streets, to form a national army incorporating all existing military forces and to put in place robust security and police forces that are able to carry out their duties and establish security in all cities and towns. All that will be in vain if the financial resources are not available, since the lack of such resources would be a major obstacle to the effectiveness of any Government, transitional or otherwise.

Moreover, today, a number of Governments throughout the world — poor Governments that do not have many resources available — are not able to do anything. Poverty, need and want therefore remain destabilizing factors in those countries, even in they are not experiencing conflict.

With regard to human rights violations and the ill-treatment of migrant workers in my country, I am obliged now to now give a clear picture of the situation. From the very beginning, the National Transitional Council expressed its commitment to the relevant human rights instruments and principles. We have reaffirmed our intention to avoid mistreatment of any foreigners in my country. However, the incidents that have occurred in no way translate into a systematic policy of the NTC, which rejects such a policy. However, we must be allowed to establish security services, a strong national army and a robust police force because those will help us to put an end to such violations and wherever and whenever they occur.

Such vengeful acts do not reflect the policy of the National Transitional Council. They are horrendous acts that we vehemently condemn and reject, as we have done in the past and intend to do in the future. Investigations to resolve them will continue, but we still need substantial means to carry out such investigations. That brings me back to the need to provide us with the appropriate financial and economic resources so that we can act, and do so effectively.

In reiterating my thanks, I would also like to recall that the assistance provided to the National Transitional Council is one issue and that the means for us to meet deadlines is another matter. We have invested in many tasks, but, once again, we need the necessary financial resources to accomplish all of them. The Libyan people must have their resources and other monies due them restored so that they can march together towards the future.

The President (*spoke in Arabic*): I thank Mr. Jibreel for his statement.

There are no further speakers inscribed on the list. In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to informal consultations to continue our discussion of the subject.

The meeting rose at 10.45 a.m.